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MARKUP OF H.R. 2566, H.R. 2669, H.R. 1192, H.R. 1209, H.R. 1877,
H.R. 2713, H.R. 3537, AND H.R. 4365

WEDNESDAY, SEPTEMBER 21, 2016

House of Representatives,

Committee on Energy and Commerce

Washington, D.C.

The committee met, pursuant to call, at 10:00 a.m., in Room 210 Capitol Visitor Center, Hon. Fred Upton [chairman of the committee] presiding.

Members present: Representatives Upton, Barton, Shimkus, Pitts, Walden, Murphy, Burgess, Blackburn, Latta, Harper, Lance, Guthrie, Olson, McKinley, Griffith, Bilirakis, Johnson, Long, Bucshon, Brooks, Mullin, Hudson, Collins, Eshoo, DeGette, Capps, Schakowsky, Matsui, Clarke, Loeb sack, and Kennedy.

Staff present: Gary Andres, Staff Director; Elena Brennan, Staff Assistant; Karen Christian, General Counsel; Paige Decker, Executive Assistant; Paul Edattel, Chief Counsel, Health; Blair

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Ellis; Digital Coordinator/Press Secretary; Gene Fullano, Detailee, Telecom; Giulia Giannangeli, Legislative Clerk, Commerce, Manufacturing, and Trade, Energy & Environment; Kelsey Guyselman, Counsel, Telecom; Pete Kielty, Deputy General Counsel; Grace Koh, Counsel, Telecom; Tim Pataki, Professional Staff Member; David Redl, Chief Counsel, Telecom; Charlotte Savercool, Professional Staff Member; Jennifer Sherman, Press Secretary; Adrianna Simonelli, Professional Staff Member, Health; John Stone, Counsel, Health; Gregory Watson, Legislative Clerk, Communications and Technology; Jen Berenholz, Minority Chief Clerk; Jeff Carroll, Minority Staff Director; Elizabeth Ertel, Minority Deputy Clerk; David Goldman, Minority Chief Counsel, Communications and Technology; Waverly Gordon, Minority Professional Staff Member; Tiffany Guarascio, Minority Deputy Staff Director and Minority Chief Health Advisor; Jerry Leverich, Minority Counsel; Lori Maarbjerg, Minority FCC Detailee; Dan Miller, Minority Staff Assistant; Samantha Satchell, Minority Policy Analyst; Ryan Skukowski, Minority Senior Policy Analyst; Andrew Souvall, Minority Director of Communications, Outreach and Member Services; Kimberlee Trzeciak, Minority Health Policy Advisor; and Megan Velez, Minority FDA Detailee.

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The Chairman. I know we all miss the green. We are a little lost without that green. So, it is coming back.

The committee will come to order and the chair -- we did the opening statements yesterday and anyone that would still like to put an opening statement into the record, without objection, so ordered. But the chair, at this point, will call up H.R. 2566 and ask the clerk to report.

[The Bill H.R. 2566 follows:]

*****INSERT 1*****

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The Clerk. H.R. 2566. To amend the Communications Act of 1944 to ensure the integrity voice communications and to prevent unjust or unreasonable discrimination among areas of the United States and in the delivery of such communications.

The Chairman. And without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

Are there any bipartisan amendments? Are there any amendments?

Seeing none, the question occurs on favorably reporting H.R. 2566 to the House.

All those in favor shall signify by saying aye.

All those opposed, say no.

It is the opinion of the chair, the ayes have it and the bill is favorably reported.

The chair will now call up H.R. 2669 and ask the clerk to report.

[The Bill H.R. 2669 follows:]

*****INSERT 2*****

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The Clerk. H.R. 2669. To amend the Communications Act of 1934 to expand and clarify the prohibition on provision of inaccurate caller identification information, and for other purposes.

The Chairman. And without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

The chair would recognize Mr. Walden --

Mr. Walden. Thank you very much, Mr. Chair.

The Chairman. -- for the purposes of offering an amendment in the nature of a substitute.

Mr. Walden. Correct. I believe it is at the desk, probably under Barton.

[The Amendment offered by Mr. Walden follows:]

*****INSERT 3*****

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The Chairman. The clerk will report the amendment.

The Clerk. Amendment in the nature of a substitute to H.R. 2669 offered by Mr. Barton.

The Chairman. No, by Mr. Walden. And without objection, the reading of the amendment is dispensed and the gentleman is recognized for 5 minutes in support of the amendment.

Mr. Walden. Well, I won't take 5 minutes, Mr. Chairman. This is a bipartisan amendment to make some changes to conform to the Senate language so we can move forward. It makes some technical changes in the definitions of text messaging.

I really want to thank my colleagues on the other side of the aisle. We all worked together on both of these bills. I think everybody is on the same page on this amendment in the nature of a substitute so that this can move rapidly to the President.

And so with that, Mr. Chairman, I would urge support of our colleagues and yield back.

The Chairman. The gentleman yields back.

Other members wishing to speak on the amendment?

Seeing none, the vote occurs on the amendment offer by the gentleman from Oregon.

All those in favor, say aye.

Those opposed, say no.

In the opinion of the chair, the ayes have it and the amendment is adopted.

Is there further amendments to the bill?

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Seeing none, the vote now occurs on the bill favorably reported in the nature of 2669, as amended, to the House.

All those in favor shall say aye.

Those opposed, say no.

In the opinion of the chair, the ayes have it and the bill is favorably reported.

The chair will now call up H.R. 1192 and ask the clerk to report.

[The Bill H.R. 1192 follows:]

*****INSERT 4*****

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The Clerk. H.R. 1192. To amend the Public Health Service Act to foster more effective implementations and coordinations of clinical care for people with pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendments at any point.

Are there any bipartisan amendments to the bill? Are there any amendments to the bill?

If not, the question now occurs on favorably reporting H.R. 1192 to the House.

All those in favor shall say aye.

Those opposed, say no.

In the opinion of the chair, the ayes have it and the bill is favorably reported.

The chair will now call up H.R. 1209 and ask the clerk to report.

[The Bill H.R. 1209 follows:]

*****INSERT 5*****

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The Clerk. H.R. 1209. To amend the Public Health Service Act to provide for the designation of maternity care health professionals shortage areas.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

The chair would recognize Dr. Burgess for the purpose of offering an amendment in the nature of a substitute.

[The Amendment offered by Mr. Burgess follows:]

*****COMMITTEE INSERT 6*****

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Mr. Burgess. Thank you, Mr. Chairman. There is an amendment in the nature of a substitute, which is basically technical changes to the language of the bill that was passed by the subcommittee. This has been worked out with both sides and I would urge passage of the bipartisan amendment in the nature of a substitute.

The Chairman. The clerk will report the amendment.

The Clerk. Amendment in the nature of substitute to H.R. 1209 offered by Mr. Burgess.

The Chairman. And without objection, the reading of the amendment is dispensed with. The gentleman has been recognized and has concluded.

Are there amendments to the amendment in the nature of a substitute?

Dr. Burgess, do you have a -- Dr. Burgess has an amendment to his own amendment.

Mr. Burgess. A technical amendment to the amendment in the nature of a substitute.

[The Amendment offered by Mr. Burgess follows:]

*****INSERT 7*****

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The Chairman. The clerk will report that title of that amendment.

The Clerk. Amendment to the amendment in the nature of a substitute to H.R. 1209 offered by Mr. Burgess and Mrs. Capps.

The Chairman. Without objection, that amendment is read. Further discussion?

Seeing none, the vote occurs on the amendment to the amendment in the nature of a substitute.

All those in favor, say aye.

Those opposed, say no.

The amendment is adopted.

Are there further amendments to the amendment in the nature of a substitute?

Seeing none, the vote now occurs on the amendment in the nature of a substitute to the bill, as amended.

All those in favor will say aye.

All those opposed, say no.

In the opinion of the chair, that is adopted.

Are there further amendments?

Seeing none, the vote now occurs on the amendment in the nature of a substitute -- on the bill, as amended, H.R. 1209.

Those in favor shall say aye.

Those opposed, say no.

The ayes have it and the bill is favorably reported.

The chair now calls up H.R. 1877 and asks the clerk to report.

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[The Bill H.R. 1877 follows:]

*****INSERT 8*****

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The Clerk. H.R. 1877. To amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

Are there any bipartisan amendments?

Ms. Matsui. Mr. Chairman, I have an amendment at the desk.

[The Amendment offered by Ms. Matsui follows:]

*****COMMITTEE INSERT 9*****

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The Chairman. The gentlelady from California has an amendment at the desk?

Ms. Matsui. Yes.

The Chairman. And the clerk will report the title of the amendment.

The Clerk. Amendment to H.R. 1877 offered by Ms. Matsui.

The Chairman. And without objection, the amendment will be considered as read and the gentlelady is recognized for 5 minutes in support of her amendment.

Ms. Matsui. Thank you, Mr. Chairman.

This is a technical amendment to H.R. 1877, the Mental Health First Aid Act, that the Health Subcommittee reported out last week.

Too often tragedies occur when they could have been prevented. We need to ensure that law enforcement officers are equipped with the training they need to adequately respond to and assist people in distress.

The Mental Health First Aid Act would help first responders come to the aid of someone who is struggling with a mental illness or substance use disorder, so that the use of force is a last resort. Passing this bill today is another step forward in our overall mental health reform efforts. Mental health first aid programs across the country, including in Sacramento, are helping to reduce stigma and promote awareness. There is still much more to do in our efforts to advance comprehensive mental health reform

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from addressing our behavioral health workforce shortage to ensuring parity between mental and physical health.

I want to express my thanks to Congresswoman Jenkins for her work on this issue and to the chairman and ranking member for supporting this important legislation.

Mr. Chairman, I would like to ask unanimous consent to submit three documents for the record: a letter of support from the Catholic Health Association and two articles highlighting the effective use of mental health first aid in prisons and law enforcement.

The Chairman. Without objection.

Ms. Matsui. Thank you and I yield back.

The Chairman. The gentlelady yields back.

Other members wishing to speak on the amendment?

Seeing none, the vote occurs on the amendment offered by the gentlelady from California.

All those in favor will say aye.

Those opposed, say no.

In the opinion of the chair, the ayes have it.

Are there further amendments to the bill?

Seeing none, the question now occurs in favorably reporting H.R. 1877, as amended, to the House.

All those in favor shall signify by saying aye.

Those opposed, say no.

The ayes have it and the bill is favorably reported.

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The chair now calls up H.R. 2713 and asks the clerk to report.

[The Bill H.R. 2713 follows:]

*****INSERT 10*****

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The Clerk. H.R. 2713. To amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes.

The Chairman. And without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

Are there any bipartisan amendments to the bill?

Any amendments to the bill?

Seeing none -- oh, Mrs. Capps would like to strike the last word.

Mrs. Capps. I just want to say that I do have an amendment at the desk.

[The Amendment offered by Mrs. Capps follows:]

*****COMMITTEE INSERT 11*****

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The Chairman. Oh, I am sorry. The gentlelady has an amendment at the desk. The clerk -- no, there is no amendment at the desk.

The Clerk. There is.

The Chairman. There is.

Mrs. Capps. It just arrived and all I need to say is that it is technical changes and I urge support for the amendment.

The Chairman. Let the clerk report the title of the amendment.

The Clerk. Amendment to H.R. 2713 offered by Mrs. Capps.

The Chairman. And without objection, that technical amendment is considered as read. The gentlelady yields back her time in support of that amendment. The vote occurs on her amendment.

Those in favor will say aye.

Those opposed, say no.

In the opinion of the chair, the ayes have it.

Are there further amendments to the bill?

Seeing none, the question now occurs in favorably reporting H.R. 2713, as amended, to the House.

All those in favor shall signify by saying aye.

All those opposed, say no.

The ayes appear to have it. They have it and the bill is favorably reported.

The chair now calls up H.R. 3537 and asks the clerk to report.

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[The Bill H.R. 3537 follows:]

*****INSERT 12*****

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The Clerk. H.R. 3537. To amend the Controlled Substances Act to clarify how controlled substance analogues are to be regulated, and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

The chair will recognize Mr. Pitts for the purpose of offering an amendment in the nature of a substitute.

[The Amendment offered by Mr. Pitts follows:]

*****INSERT 13*****

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Mr. Pitts. Thank you.

The Chairman. First, the clerk will report the title.

The Clerk. Amendment in the nature of a substitute to H.R. 3537 offered by Mr. Pitts.

The Chairman. And the gentleman is recognize for 5 minutes in support of his amendment.

Mr. Pitts. Thank you, Mr. Chairman.

This is a bipartisan amendment. This substitute amendment in the nature of a substitute would add 22 dangerous synthetic drug compounds to Schedule I of the Controlled Substance Act. It strengthens the Drug Enforcement Administration's ability to take swift action against individuals peddling such drugs in communities across our country.

And I would like to thank Representatives Dent and Katko for their leadership on this issue. I urge my colleagues to support the amendment and the bill. And with that, I yield back.

The Chairman. The gentleman yields back.

The chair recognizes the gentleman from New Jersey to speak in support of the amendment in the nature of a substitute.

Mr. Pallone. Thank you, Mr. Chairman. I move to strike the last word.

The amendment before us today takes a narrow, targeted approach to addressing the latest threat from synthetic substances. The evolving synthetic drug market has led to widespread overdoses and deaths among both adults and teens. We

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are all aware of instances in our communities where constituents utilizing synthetic substances, as a way to imitate the highs of other substances, such as marijuana, heroin, or opioids, have harmed themselves or others. And these drugs are extremely unsafe and can cause convulsions, anxiety attacks, hallucinations, psychotic episodes and, in some instances, death.

These substances are, unfortunately, not illegal and, as a result, are too readily available. Under its current authority, the Drug Enforcement Agency has difficulty taking action against these substances. The manufacturers of these synthetic substances have been able to avoid regulation under the controlled substances act, by swiftly engineering and reengineering these substances in ways to circumvent regulation.

The AINS to H.R. 3537 would schedule a narrow list of 22 synthetic substances, including 11 used to create synthetic marijuana and three derivatives of fentanyl, a synthetic opioid that is more powerful than morphine.

This targeted legislation was developed with input from DEA, the Department of Health and Human Services, the National Institute on Drug Abuse, and the Office of National Drug Control Policy to ensure that the substances were legislatively scheduling to Schedule I because of abuse potential have no therapeutic value and I believe this legislation will take the needed step of helping DEA take appropriate enforcement actions to prevent access to these dangerous substances.

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So, while this legislation does address the broader concerns that have been raised related to access to Schedule I substances for research purposes, I am committed to continue to work with my colleagues on the other side of the aisle, the administration, and stakeholders to find ways we can streamline the registration process for legitimate research purposes. And so I urge my colleagues to support the AINS and I look forward to continuing to work with my colleagues to reduce the availability of dangerous synthetic substances. I yield back.

The Chairman. The gentleman yields back. Other members wishing to speak on the amendment in the nature of a substitute?

Seeing none, the vote occurs on that amendment.

Those in favor will say aye.

Those opposed, say no.

In the opinion of the chair, the ayes have it. The amendment in the nature of a substitute is adopted.

Are there further amendments to the bill?

Seeing none, the vote now occurs on H.R. 3537, as amended.

All those in favor will say aye.

All those opposed, say no.

The ayes appear to have it. The ayes have it and the bill is favorably reported.

The chair now calls up H.R. 4365 and asks the clerk to report.

[The Bill H.R. 4365 follows:]

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*****INSERT 14*****

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The Clerk. H.R. 4365. To amend the Controlled Substances Act with regard to a provision of emergency medical services.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

The chair will recognize Mr. Hudson for offering an amendment.

[The Amendment offered by Mr. Hudson follows:]

*****INSERT 15*****

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Mr. Hudson. Thank you, Mr. Chairman.

The Chairman. The clerk will report the title of the amendment.

The Clerk. Amendment in the nature of a substitute to H.R. 4365 offered by Mr. Hudson.

The Chairman. And without objection, the reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes in support of his amendment.

Mr. Hudson. I thank the chairman. And I want to thank my partner on this bill, Mr. Butterfield and his staff, as well as Chairman Upton and his staff, and Ranking Member Pallone and his staff for their hard work in getting to this consensus.

This has been a real bipartisan team effort and I am very proud of what we have accomplished. In that spirit, I have letters of support from 17 organizations, including the National Association of EMS Physicians, the American College of Emergency Physicians, the American Hospital Association, the National Association of EMTs, the International Association of Fire Chiefs, and the International Association of Firefighters that I would ask unanimous consent to submit for the record.

It is important that we acknowledge the impact of the Protecting Patient Access to Emergency Medications Act will have on the safety and wellbeing of all Americans. This bill will codify a new system of registration for EMS agencies under the

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Controlled Substance Act so that our first responders can continue to deliver the most appropriate and timely care to patients.

Again, I want to thank all of my partners in this effort who helped make this legislation possible. And Mr. Chairman, I yield back.

The Chairman. The gentleman yields back.

The chair recognizes the gentleman from New Jersey to speak in support of the amendment.

Mr. Pallone. Well, Mr. Chairman, I support the amendment. I just wanted to submit my statement of support for the record. I ask unanimous consent.

The Chairman. Without objection, the statement is included as part of the record.

And are there other members wishing to speak?

Seeing none, the vote occurs on the amendment in the nature of a substitute offered by Mr. Hudson.

All those in favor will say aye.

All those opposed, say no.

In the opinion of the chair, the ayes have it. The amendment in the nature of a substitute is adopted.

Are there further amendments to the bill?

Seeing none, the vote now occurs on H.R. 4365, as amended.

All those in favor shall say aye.

All those opposed, say no.

In the opinion of the chair, the ayes have it. The amendment

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in the nature of a substitute is adopted. The bill is favorably reported.

So, that concludes our business. So, without objection, staff is authorized to make technical and conforming changes to the legislation approved by the committee today. So ordered and, without objection, the committee stands adjourned.

[Whereupon, at 10:20 a.m., the Committee was adjourned.]